

**REMARKS**

This Amendment is filed in response to the non-final Office Action dated February 5, 2008. The amendments and how they respond to the rejections set forth in the Office Action are explained below in detail. Accordingly, favorable reconsideration on the merits and allowance is respectfully submitted to be proper.

In the present Amendment, claims 1, 12, 14, 17, and 28 have been amended to improve their form.

Claims 12, 14 and 28 have been amended to include the limitations of the respective product claim. Support for the amendment to claims 12 and 13 can be found in the specification, e.g., page 13, lines 13-33. Support for the amendment to claim 28 can be found in the specification, e.g., on page 26 at lines 10-23.

New claims 32 and 33 have been added and depend from claim 1, and new claim 34 depends from claim 17. Support for claims 32, 33 and 34 can be found in the specification, e.g., on page 9 at lines 17-18, page 9 at lines 7-9, and page 23, lines 21-28, respectively.

Claim 2 has been canceled.

No new matter has been added. Entry of the Amendment is respectfully submitted to be proper. Upon entry of the Amendment, claims 1 and 3 - 34 will be all the claims pending in the application.

**I. Affirmation of Restriction Requirement**

In response to the oral Restriction Requirement based on a telephonic interview on January 8, 2008, Applicant affirms the provisional election without traverse to prosecute Group 1, directed to claims 1-11 and 17-27.

In response to the Examiner's comments on rejoinder of non-elected process claims, Applicant has amended process claims 12, 14, and 28 to be commensurate in scope with the product claims, and hence appropriate for rejoinder.

Applicant also reserves the right to file a Divisional Application directed to any non-rejoined non-elected claims.

In response to the Examiner's comment in paragraph 4 in the Office Action, Applicant respectfully submits that the inventorship has not changed in view of the amendment to the claims.

## **II. Response to Objection to the Specification**

The abstract of the disclosure was objected to.

Applicant respectfully request that the objection be withdrawn in view of the amendment to the abstract.

## **III. Response to Claim Rejection Under 35 U.S.C. § 102(e) Based on Yoneda**

Claims 1-11 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. 2003/0022575 ("Yoneda").

Applicant traverses and respectfully requests withdrawal of the rejection in view of the following remarks.

The Examiner stated on page 7 of the Office Action that the present specification does not disclose any particular application method or process to achieve the property that the first substrate layer and the second substrate layer (A) change continuously in the direction of thickness. Applicant respectfully disagrees.

Applicant submits that the continuous change in structure is made by applying a solution of an elastic polymer to one side of a sheet (e.g. see claim 12 and Example 1). By applying the elastic polymer to one side of a sheet, the elastic polymer penetrates into the sheet and the gradient of the elastic polymer concentration is formed. In other words, the concentration of the elastic polymer decreases as the distance from the surface increases.

Yoneda, on the contrary, discloses impregnation by immersion, even though coating or squeezing is disclosed.<sup>2</sup> Although Yoneda discloses coating, Yoneda is silent about coating an elastic polymer to form a non-impregnated layer (a second substrate layer (A)) inside of the fibrous assembly.

With respect to the non-impregnated layer, the leather-like sheet product (I) of the present invention comprises a non-impregnated layer, which is the second substrate layer (A) and is essentially composed of fiber, and does not contain an elastic polymer.

The present leather-like product having the non-impregnated layer, as recited in present claim 1, possesses advantages including that the stress distributions of the front and rear surfaces are graded and well balanced by the existence of the second substrate layer (A), to obtain a product which has low resiliency and an excellent feel.

Furthermore, the thickness of the first substrate layer of the present invention is 25-300  $\mu\text{m}$  according to new claim 32. However, the thickness of Yoneda is 0.3 to 4.0 mm (e.g. see claim 20) which is much thicker than that of the present invention.

The first substrate layer of the present invention is solid or independently porous. Yoneda discloses coagulating the resin in a porous or nonporous state by wet process or dry

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<sup>2</sup> U.S. 2003/0022575 at [0026].

process.<sup>3</sup> However, Yoneda discloses only “wet process” in the examples, which forms “continuous porous”.

Claims 1 and 3 - 11 are respectfully submitted to be patentable over Yoneda, because Yoneda does not describe each limitation of these claims. Therefore, Applicant respectfully submits that this rejection of claims 1 and 3 - 11 should now be withdrawn.

**IV. Response to Claim Rejection Under 35 U.S.C. § 102(b) Based on Fukushima**

Claims 17 - 27 were rejected under 35 U.S.C. § 102(c) as being anticipated by U.S. Patent 4,206,257 (“Fukushima”).

Applicant traverses and respectfully requests withdrawal of the rejection in view of the following remarks.

In Fukushima, the polymer A, localized in the sheet material primarily at and around juxtaposed area of adjacent fiber bundles to adhere them together. The polymer being present primarily surrounding polymer A in the spaces among the fiber bundles. In Fukushima, polymer A and B are localized adjacent to fiber bundles. Therefore, the sheet material of Fukushima does not have distribution of polymer in the direction of thickness.

On the contrary, present claim 17 requires a first substrate layer and a second substrate (B) layer in the direction of thickness.

The present invention is further distinguishable from Fukushima because the density and the thickness of the first substrate layer are specified. Fukushima is silent about the layer having such a thin thickness and high density.

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<sup>3</sup> Id. at [0025].

When the density is too low, the elastic polymer readily deforms more than required and the obtained sheet product may have a low sensation of preventing stretching. When the first substrate layer has a low density and a small thickness, surface physical properties may deteriorate and when the first substrate layer has a high density and a large thickness, the obtained sheet product impairs its high-grade appearance, such as fine wrinkles, when it is bent.

The sheet material of claim 17 is manufactured to provide a two layer structure by the following steps. The second substrate layer (B) is formed by impregnating the fiber sheet with the solution of the elastic polymer (a) and coagulating the elastic polymer (a).

Then, the surface layer made of the elastic polymer (b) which surrounds the sea-island type fiber in the surface layer of the sheet material without a space therebetween is formed on the surface of the sheet material. This surface layer becomes the first substrate layer by dissolving and removing the sea component in the following step. That is, the first layer is formed by applying (coating or laminating) the elastic polymer (b) only adjacent to the surface of the second substrate layer (B).

Thus, the structure of the sheet material of claim 17 can not be achieved by simply impregnating a polymer A and B as disclosed in Fukushima.

The Office Action asserted that Fukushima discloses a solid surface layer, a porous surface layer, or a composite surface layer, relying on the description in column 2, lines 58-51 of Fukushima. However, the Examiner's apparent understanding is not correct. Polymer A is localized in adjacent fiber bundles. Polymer A is not located on the surface. This can be seen, e.g., by the title of Fukushima, i.e. "Napped Sheet.....".

Fukushima is silent regarding surface layer having a thickness of 1 to 200  $\mu\text{m}$ .

With respect to new claim 34, Fukushima is also silent regarding the elastic polymer of the first substrate layer having a cross-linked elastic polymer. The cross-linked elastic polymer

imparts stretch-stopping-feeling to the leather-like sheet product having the first substrate layer of thin thickness, i.e., 10-200  $\mu\text{m}$ .

Accordingly, Applicant respectfully submits that the rejection of claims 17-27 based on Fukushima should now be withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the local Washington, D.C. telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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**23373**

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